

ORIGINAL

Before the  
FEDERAL COMMUNICATIONS COMMISSION  
Washington, D.C. 20554

ORIGINAL  
FILE

In re Applications of	)	MM DOCKET NO. 92-111
DEAS COMMUNICATIONS, INC.	)	File No. BPH-910208MB
DRAGONFLY COMMUNICATIONS, INC.	)	File No. BPH-910211MA
HEALDSBURG BROADCASTING, INC.	)	File No. BPH-910211MB
BECKWITH COMMUNICATIONS, INC.	)	File No. BPH-910211MI
DESERT ROCK LIMITED PARTNERSHIP	)	File No. BPH-910211ML
HEALDSBURG EMPIRE CORPORATION	)	File No. BPH-910212MM
For Construction Permit for a	)	
New FM Station on Channel 240A	)	
in Healdsburg, California	)	

To: Administrative Law Judge  
Edward J. Kuhlmann

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JUN 30 1992

FEDERAL COMMUNICATIONS COMMISSION  
OFFICE OF THE SECRETARY

COMMENTS ON "MOTION FOR LEAVE  
TO FILE INFORMATION FOR THE RECORD"

On June 19, 1992, Healdsburg Empire Corporation ("HEC") submitted a "Motion for Leave to File Information for the Record" which parrots a predesignation charge summarily rejected against Deas Communications, Inc. ("Deas") in the Hearing Designation Order, 57 Fed. Reg. 21984, published May 26, 1992, at n. 4.

Deas now asks the Presiding Judge's indulgence for these brief Comments on the "merits" of HEC's "Motion."

HEC appends to its "Motion" materials already considered by the Commission, submitted by a non-party in

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January 1992 alleging a Sonoma County Grand Jury recommendation that local legal authorities "should evaluate" whether conflicts of interest had occurred involving Mario Edgar Deas, Deas' President, in his capacity as a Healdsburg City Councilman and Vice Mayor.

In rejecting these allegations, the HDO affirmed at n. 4 that not only have there been no adjudications adverse to Mr. Deas, he has not even been indicted on any charges. That should have settled the matter.

Doubtless concerned that the Presiding Judge does not read his own designation orders, HEC piously pronounces that, of course, it would be wrong now to seek issue enlargement against Deas. "Motion," at n. 3. HEC speculates that the "Grand Jury's action (sic) may ultimately ripen into a predicate for enlargement of the issues against Deas." Motion at 3. HEC assures that it is merely bringing this up now to foreclose charges of untimeliness later on. Id.

HEC's "Motion" seeks no relief, requests no judicial action and serves no cognizable purpose.<sup>1</sup> It is a blatant attempt to poison the well against Deas. Such McCarthyesque

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<sup>1</sup> HEC's claim that it is merely filing to foreclose a timeliness opposition in the event of a future adjudication is farcical.

tactics say far more about the qualifications of the "movant" than they do about its object.<sup>2</sup>

For the "record," it now appears that the local inquiry of Mr. Deas has yielded no adverse conclusions, charges or negative inferences. Mr. Deas expects to receive written confirmation shortly that no proceedings of any kind against him are contemplated. When that notice is received, it will be sent to the Commission.

WHEREFORE, instead of HEC's "Motion" being associated with the "record," Deas recommends that it be discarded in an appropriate, circular, file.

Respectfully submitted,

DEAS COMMUNICATIONS, INC.

By:

  
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June 30, 1992

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<sup>2</sup> HEC also neglects to say which "record" it wants its "Motion" to be associated with. Clearly it is not the hearing record; HEC admits there is no misconduct charged against Deas. What other record is there?

CERTIFICATE OF SERVICE

I hereby certify that I have, this 30th day of June, 1992, served copies of the foregoing "Comments on 'Motion for Leave to File Information for the Record'" upon the following persons by first class United States Mail, postage prepaid:

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